

# Minutes of a Regular Meeting

Approved 8/14/03

## Town of Los Altos Hills PLANNING COMMISSION

Thursday, July 24, 2003, 7:00 p.m.  
Council Chambers, 26379 Fremont Road  
cc: Cassettes ( 1 ) #08-03

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### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Clow, Commissioners Vitu, Mordo, Cottrell & Kerns

Staff: Carl Cahill, Planning Director; Mintze Cheng, City Engineer; Angelica Herrera, Assistant Planner; Debbie Pedro, Assistant Planner; Lani Smith, Planning Secretary

### 2. PRESENTATIONS FROM THE FLOOR-none

### 3. PUBLIC HEARINGS

- 3.1 LANDS OF NEXTEL COMMUNICATIONS, INC. (LANDS OF FENWICK), 28011 Elena Road (99-03-CUP); A request for renewal of a Conditional Use Permit for operation of an existing wireless (ESMR) telecommunications facility. (staff-Angelica Herrera)

Staff introduced this item by provided a brief overview of the application noting there has been no complaints since the previous approval in 1998.

#### OPENED PUBLIC HEARING

Dot Schreiner, 14301 Saddle Mountain Drive, neighbor next to the site indicated she was not even aware of this facility noting she does not hear it, does not see it, and is not bothered by it.

#### CLOSED PUBLIC HEARING

Brief discussion ensued. All Commissioners were unanimous in their support of the project.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Vitu and seconded by Commissioner Cottrell to recommend to the City Council approval for renewal of a Conditional Use Permit for operation of an existing wireless (ESMR) telecommunications facility, Lands of Nextel Communications, Inc. (Lands of Fenwick), 28011 Elena Road.

AYES: Chairman Clow, Commissioners Kerns, Mordo, Vitu & Cottrell  
NOES: None

This item will appear on a future City Council agenda.

3.2 LANDS OF DUBEY, 26475 Ascension Drive (187-01-ZP-SD); A request for a Site Development Permit for a 5,591 square foot new residence (maximum height 26.5 feet) (continued from April 11, 2002). (staff-Debbie Pedro)

Staff introduced this item by reviewing the previous continued application dated April 11, 2002, with instructions to address concerns, as discussed, regarding working with the neighbors regarding landscape screening from neighbors and street, drainage, reduce grading, increase setback for landscaping/screening, move house farther away from the water tank, and resolve the drainage issues on the Hahn property. Staff further discussed the changes that were made to the current plans. Staff is recommending a condition of approval requiring that the proposed swale be constructed entirely within the Dubey's property boundaries unless the applicant can obtain approval from Mr. Hahn, the next door neighbor, incorporating their drainage design into the existing swale. Regarding landscape screening, the landscape architect met with the neighbors and made further revisions to the landscape screening plan based on their input. Copies of the new plan had been placed in the Commissioner's boxes. The new screening plan includes three (3) 84" box Coast Live oaks, a row of 24" box Carolina Laurel Cherry trees and shrubs and two (2) 48" box magnolia trees. Once installed, the trees and shrubs should provide immediate and substantial screening from the industrial looking buildings on the Water District property next door. Staff is recommending a condition that the proposed planting is installed within 30 days from the date of the permit approval. Regarding the illegal grading which occurred on the site without Town approval, staff is recommending a penalty fee in accordance with the Municipal Code of \$14,850.00. It was noted that the 84" trees at installation would be 25 feet tall and 16" to 22" wide.

#### OPENED PUBLIC HEARING

Mrs. Dubey, 26475 Ascension Drive, applicant, discussed the changes to the plan from the April 11, 2002 meeting. They have met with many neighbors and felt they have met requests made regarding design, grading and planning ideas. Hopefully they have satisfied the neighbors and can move forward.

Commissioner Vitu asked Mrs. Dubey to explain the plan showing the channeling into the drainage swale on the Hahn property and if they have agreed with this proposal. Mrs. Dubey was not sure if they have agreed with the new plan.

Scott Stotler, 300 S. San Antonio Road, Los Altos, project architect, described the design changes which included flip-flopping the house which is a better alternative with less grading and with a more natural driveway coming onto the site and it will provide additional area for landscaping, and eliminating extra grading. He has met with the neighbors to mitigate their concerns.

Ashfaq Munshi, 26450 Ascension Drive, felt the Dubey's have done a good job listening to some of their concerns. He still had concerns regarding the safety of his family with the contractor using his properties and driveways to park trucks during the building process. For the record, if they have to continue to call the police in the process of construction, they will take severe action if it becomes necessary. Also, in the past, they have had threats from the contractors during the grading process, in particular, the contractor, George Jordan. A second issue was not being able to meet with Mr. Dubey regarding the project. He understands Mrs. Dubey is available although he has not seen her since the previous public hearing. Commissioner Clow suggested getting the applicants cell phone numbers as previously mentioned at the April 11, 2002 meeting. He also noted he did not know if the story poles were accurately placed on the property.

Vincent Zunino, 26555 Ascension Drive, wrote a letter which summarized his concerns. He agreed with Mr. Munshi regarding comments involving George Jordan and other contractors involved with the property. He requested only licensed contractors work on the project. He referred to Mrs. Dubey's letter stating they were hiring a licensed general contractor to manage this project and yet they maintain the right as owners to choose the companies they wish to build their home. He asked that the conditions of approval require a licensed general contractor be in charge of this project. He further noted that there is still a major flooding issue on this property. In the 15 years he has been there, this property has flooded seriously three times. The last flood was in 2001. He further illustrated the area involved. He felt the plan as submitted is a disaster waiting to happen. Regarding screening, he had no issue after meeting with the landscape architect. He described the house down the street which is also in a flood area but built two feet higher on the property so the water would go around the house, not through it. He would certainly not recommend a basement on this property and he would suggest raising the house.

William Hahn, 26491 Ascension Drive, has been in the area for 40 years and has seen four floods plus El Nino so he wanted to make the applicants and staff aware of the potential problems with flooding. He noted a previous problem where the workers illegally dropped a PG&E line which set off his alarm system. He does not want any future problems of any kind with this construction. He also noted that he had spoken with the engineers regarding the proposed swale being constructed on his property. He felt if they do the job as discussed with him, there should not be a problem unless they experience a big flood situation.

Mr. Munshi stated that the applicant had received a permit to demolish the house however, part of the process is to have the gas turned off. The PG&E employee showed up two weeks later to cut off the gas. He asked that they be extremely careful on this project (history of issues). His primary concern is with the safety of his family.

Scott Stotler discussed the use of a qualified civil engineer and working closely with the public works department. They understood the problems with the site and the civil engineers will work to solve any water issues that may come up. The end result will be a positive rather than a negative. Regarding the basement, it is something the applicants are requesting and the basement will have floor drains installed as well as area drains installed on the lot. There will be area drains in the back yard to pick up and disperse water. If nothing else, the basement could capture the water in a flood situation. He felt they have taken care of any flooding issues. He asked that the City Public Works department look into some of the other issues that relate to the cause of the water coming down onto this lot. He will recommend to the applicants that a soils engineer be involved through the borings and grading and all of the processing of the construction of this home to make sure everything is done with the soils engineer's recommendation and in accordance with the Public Works department. They all will do the best they can to make this the safest property possible.

Mrs. Dubey referring to previous statements stated that Mr. Munshi has their telephone numbers and Mr. Zunino knows her address. She will be giving them all the numbers they want.

#### CLOSED PUBLIC HEARING

Commissioner Kerns felt the applicants have done a tremendous job of trying to work with the neighbors, flipping the house, working with drainage, and landscape screening. From an engineering standpoint, he felt the issues with drainage will be dealt with and be better than the current situation. He felt it was up to the applicants if they want a basement or not. He was in support of the project. He noted the previous Planning Commission minutes indicated that the landscape plan would return to the Commission. It was noted that was due to the screening of the water tank which has been addressed.

Commissioner Vitu also felt they have done much to address drainage which should be better than before. Regarding the contractors, the Town cannot require they use of a general contractor but can require all subcontractors to be licensed. They have done a good job on landscaping and she felt the water tanks would be screened.

Commissioner Cottrell agreed noting you reach a point in time where you have to recognize the rights of a property owner. This owner has bent over backwards to meet the requirements of the Planning Commission and the neighbors. There are 33 conditions of approval! He believed the applicants will make an effort to be available to the neighbors. He was in support of the project.

Commissioner Mordo concurred. The major problem is the drainage and they are taking the risk. Everyone has warned them and told them of the issues and they still want to move forward with the project. He questioned Mr. Munshi's concern with the contractors using his property asking if there was a condition to address this issue. Staff noted condition #25 addresses this issue.

Chairman Clow felt, compared to a couple of years ago, they have all come a long way. He felt this was a good design with adequate screening. The concerns now are regarding process and having the applicants telephone numbers if there are any issues with the contractors. If the

applicant stands behind the project from a flood point of view, he felt it was their business and he can support the project.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Vitu and seconded by Commissioner Kerns to approve the request for a Site Development Permit for a new residence, Lands of Dubey, 26475 Ascension Drive, with the recommended conditions of approval.

**AYES:** Chairman Clow, Commissioners Vitu, Kerns, Cottrell & Mordo

**NOES:** None

This approval is subject to a 23 days appeal period.

- 3.3 LANDS OF PINWOOD SCHOOL, 26800 Fremont Road (85-03-ZP-SD-CUP); A request for a Zoning Amendment to exempt synthetic turf material from development area calculations when used in athletic fields at community recreational facilities and private schools (Section 10-1.502.b.2, Development Area); a Site Development Permit for grading (2,000 cubic yards), drainage improvements, installation of synthetic turf soccer field; and a Conditional Use Permit amendment for Pinewood Private School. (staff-Debbie Pedro)

Staff introduced this item by reviewing the staff report as it relates to the conditional use permit. Commissioner Cottrell was concerned with the wording of the exemption where it states "material used in athletic fields at recreational facilities" asking how do they define recreational facilities which was answered by staff (i.e. the little league field). It was suggested adding the word "public recreational facilities" to make it very clear that it is not private sport courts or something similar. Commissioner Mordo asked what was wrong with real grass which was addressed by the Planning Director (looks like real grass without the watering, and low cost annual maintenance, low incident of injuries). Commissioner Kerns did not feel this should be considered for private properties. Commissioner Cottrell felt that perhaps in the future this product could be used for tennis courts and count as 50% allowance for development area. Discussion ensued regarding the look of the product (color). They should stay consistent with a rustic look, natural appearance (green). The Planning Director did not feel they would have many requests for this type of material. Further discussion involved a variance request versus a conditional use permit.

#### OPENED PUBLIC HEARING

Scott Riches, President of Pinewood School, 26800 Fremont Road, discussed the primary reason for synthetic turf rather than grass was the safety issue of the field. It will reduce water use and maintenance and it is good during the rainy season. Many Parks & Recreation and schools are going this way. If you are 20 feet away, it looks like real grass. He provided a sample of the product and discussed the life span of the product being resurfaced every 10 years. It was suggested to include in the Use Permit that when the product wears out, it is replaced in a timely manner.

Commissioner Kerns questioned one of the conditions of approval requiring leaving the gates open during school hours noting this was not always the case. Mr. Riches responded stating the front gates are always open but it was unclear about the back area by the creek (side gates). If they are not currently open, he will make sure they are in the future.

James Moore, contractor for Pinewood School. They specialize in athletic facilities, both natural turf and synthetic turf. This will be their 16<sup>th</sup> field over the last three years. He discussed why synthetic is a better application than grass with all year use. Synthetic turf is growing in popularity for a number of reasons, certainly the maintenance issue, saving on long term maintenance, and playability of the surface. Further discussion ensued regarding drainage of the product and the water flowing through the system.

Commissioner Kerns reviewed sheet C2 of the plans showing the clear and grub area extending under the drip lines of all the trees which is a concern. It should be limited only to the play field. Mr. Moore was in agreement and will make the necessary changes.

Sandy Humphries, 26238 Fremont Road, questioned thought there was not sufficient information to date regarding this material as it relates to injuries because it was so new. She asked if the Town would be liable if injuries occurred.

Dot Schreiner, 14301 Saddle Mountain Drive, indicated the applicant is already over in development area and now they will be an additional 73,100 square feet over the maximum development area. When reading the Town's goals and maintaining the rural characteristic of the Town, it has never been policy to consider dollars saved by using a certain type of material. What will come next? This is the type of material that can be used in a very large quantity. She would hope that the goals of the Town would be uppermost in their minds. She noted that no one looked at the pathway at the back of the property which is a public utilities easement which she thought was on the adjacent neighbor's property and leads into Pinewood School. Leaving the gates open is very germane to allow the children to come from that particular pathway at the back of the property during the day. She will look further into the PUE as it might be possible that the Pathway Committee would request a path along that back side. The PUE is being used in a prescriptive manner now and if they can get any of it dedicated, they should do it.

Scott Riches, responded to previous comments, stating since this is a new produce there is not a history of 20 to 30 years. In the last five to six years many universities have gone to this product. Regarding the gates being locked, he questioned why the Council recommended leaving the gates open as there is a concern with the school being more accessible to outside persons.

Commissioner Kerns felt that perhaps a change in hours would be better. Mr. Riches noted the time could be from 7:30 a.m. to 8:00 a.m. and from 3:00 p.m. to 3:30 p.m. which would help them from a security standpoint.

Discussion ensued regarding the PUE and the 1981 Master Pathway Plan. Staff commented that she had reviewed the Lands of Yu, next to this property on Ascension Drive and noted that as a part of their Site Development Permit a pathway easement is required over the PUE and the

documents will be reviewed by City Council. Commissioner Clow asked if there are places that people should not go, and what is the basis for having a requirement to leave the gate open (eliminate conditions #13).

#### CLOSED PUBLIC HEARING

Commissioner Vitu voiced support of the application as she felt it was a good product. She did not like the language "synthetic turf" as she would not want to see plastic Astroturf rolled out over this type of development area. Commissioner Cottrell agreed. Commissioner Kerns agreed and reiterated the request regarding C2 of the plans correcting the drip lines limited only to the play field. He agreed with deleting condition #13, dealing with gate hours as this is not meant for the public to go through the school grounds. Let the school decide on the appropriate gate hours. Commissioner Mordo felt this would set a precedent as looking good is very subjective. You may like this brand but the next one may be horrible. He agreed with the suggestion regarding deleting condition #13. He would like to see the pathway easement taken care of as this might be the only opportunity. The Planning Director indicated they could research the 1981 Master Pathway Plan to see if it does show a pathway in that location and to make sure there is not another pathway that serves the exact same purpose. If they find that the pathway is needed, they can write up that language and bring it up to the City Council as a recommendation. There is a pathway there and in use. They need to determine whose property it's on, and if in fact it is on the 1981 Master Pathway Map. The City Engineer, for clarification, noted there is already a pathway there adjacent to Barron Creek. The path is situated in the PUE (public utilities easement). What the staff is saying is that they are not sure at this point whether the PUE is on the Palo Alto School District property or on the adjacent neighbor's property. This is why they need to verify the location. Chairman Clow clarified the two positions: (1) if PUE is on the Pinewood School property, they will ask Pinewood to turn it into a pathway easement; or (2) it is on someone else's property and they will not ask for anything. He felt condition #13 was the responsibility of the school (delete). There should have some restrictions as far as what type of artificial turf is used (similar to turf in appearance and in drainage qualities). Commissioner Vitu was not comfortable voting on the pathway issue. This was not a part of the application and they are not prepared to vote on it.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Cottrell and seconded by Commissioner Kerns to have the Pathway Committee make recommendations to the City Council regarding a pathway, as discussed.

AYES: Chairman Clow, Commissioners Vitu, Mordo, Cottrell & Kerns  
NOES: None

**MOTION SECONDED AND PASSED:** Motion by Commissioner Kerns and seconded by Commissioner Cottrell to recommend approval to the City Council for a Zoning Amendment to exempt synthetic turf material from development area calculations when used in athletic fields at community recreational facilities and private schools (Section 10-1.502.b.2, Development Area); a Site Development Permit for grading (2,000 cubic yards), drainage improvements, installation of synthetic turf soccer field; and a Conditional Use Permit amendment for Pinewood Private

School, Lands of Pinewood School, 26800 Fremont Road, with the following additions/changes to the conditions of approval: amend the wording in the ordinance to say "public recreational facilities", and add after "synthetic turf material" "with natural appearance and natural drainage pattern similar to natural turf; and remove condition #13.

AYES: Chairman Clow, Commissioners Mordo, Vitu, Kerns & Cottrell  
NOES: None

This item will be forwarded to the City Council for a future agenda.

4. OLD BUSINESS

4.1 Report from subcommittees-none

5. NEW BUSINESS-none

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for July 17<sup>th</sup> - Commissioner Vitu, reported on the following: new appointment to the Planning Commission, welcome Jean Mordo; appointments to committees; amendment to the Subdivision Ordinance; and the formation of a committee regarding Bullis School. She asked staff to provide a future report regarding fees collected for parks and recreation over the years.

6.2 Planning Commission Representative for August 7<sup>th</sup> – Commissioner Clow

6.3 Planning Commission Representative for August 21<sup>st</sup> – Commissioner Cottrell

7. APPROVAL OF MINUTES

7.1 Approval of July 10, 2003 minutes

PASSED BY CONSENSUS: To approve the July 10, 2003 minutes with a change to page 4, forth line, as follows: "He was impressed that the neighbors were asking for one or two events on the site, maximum two per year with restrictions."

8. REPORT FROM SITE DEVELOPMENT MEETING –JULY 15, 2003

8.1 LANDS OF GIAKOUMIS, 12368 Priscilla Lane (244-02-ZP-SD); A request for a Site Development Permit for landscape screening modifications to a previously approved pool and cabana (continued from the April 29, 2003 Site Development hearing). Approved with conditions.

8.2 LANDS OF TEMMERMAND, 23500 Camino Hermoso (69-03-ZP-SD-VAR); A request for a Site Development Permit for a 777 square foot addition and a minor variance to encroach into the front setback. Approved with conditions.

9. ADJOURNMENT



The meeting was adjourned by consensus at 8:50 p.m.

Respectfully submitted,

Lani Smith  
Planning Secretary